

85<sup>th</sup> Legislative Session – 2010

Committee: Senate Commerce

Tuesday, March 02, 2010

P - Present  
E - Excused  
A - Absent

Roll Call

P Adelstein  
P Gant  
P Merchant  
P Nesselhuf  
P Turbak Berry  
P Nelson, Vice-Chair  
P Olson (Russell), Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by chair, Russell Olson.

MOTION: TO APPROVE THE MINUTES OF THURSDAY, FEBRUARY 25, 2010

Moved by: Gant  
Second by: Nesselhuf  
Action: Prevailed by voice vote.

HB 1254: revise the requirements for the assignment of certain funeral benefits.

Presented by: Representative Charles Hoffman  
Proponents: Randy Moses, Division of Insurance

MOTION: DO PASS HB 1254

Moved by: Nesselhuf  
Second by: Merchant  
Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Adelstein, Gant, Merchant, Nesselhuf, Nelson, Olson (Russell)

Excused: Turbak Berry

MOTION: PLACE HB 1254 ON CONSENT CALENDAR

Moved by: Gant

Second by: Nesselhuf

Action: Prevailed by voice vote.

HB 1155: require the marking of certain anemometer towers used for wind energy testing purposes.

Presented by: Senator Al Novstrup

Proponents: Representative Jason Frerichs (Handout: 1)

Opponents: Matt McCaulley, Titan Wind

MOTION: DO PASS HB 1155

Moved by: Turbak Berry

Second by: Merchant

Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Adelstein, Gant, Merchant, Nesselhuf, Turbak Berry, Nelson, Olson (Russell)

MOTION: PLACE HB 1155 ON CONSENT CALENDAR

Moved by: Adelstein

Second by: Merchant

Action: Prevailed by voice vote.

HB 1226: set certain age requirements for persons who sell malt beverages and South Dakota made wine at certain alcoholic beverage off-sale licensees.

Presented by: Representative Eldon Nygaard

MOTION: TO TABLE HB 1226

Moved by: Gant

Second by: Nesselhuf

Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Adelstein, Gant, Merchant, Nesselhuf, Turbak Berry, Nelson, Olson (Russell)

HB 1222: exempt persons selling certain foods at farmers' markets from licensure requirements and to establish other requirements for the sale of those foods.

Presented by: Senator Pam Merchant  
Proponents: Representative Jacqueline Sly  
Tom Martinec, Department of Health  
Jon Farris, Department of Agriculture  
Luke Temple, Dakota Rural Action

MOTION: DO PASS HB 1222

Moved by: Adelstein  
Second by: Gant  
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Adelstein, Gant, Merchant, Nesselhuf, Turbak Berry, Nelson, Olson (Russell)

MOTION: PLACE HB 1222 ON CONSENT CALENDAR

Moved by: Adelstein  
Second by: Merchant  
Action: Prevailed by voice vote.

HB 1241: establish an additional time period during which fireworks may be sold and discharged.

Presented by: Representative Dan Lederman  
Proponents: Don Lantis, Self, N. Sioux City  
Jon Farris, Department of Agriculture  
Josh Blom, self, Yankton

MOTION: AMEND HB 1241

1241ja

On page 2, after line 19 of the printed bill, insert:

"

Section 4. That § 34-37-19 be amended to read as follows:

34-37-19. Any county may, by resolution, regulate or prohibit the use of fireworks outside the

boundaries of any municipality in those areas where the fire danger, as determined by use of the South Dakota grassland fire danger index published by the National Weather Service, has reached the extreme category in that county during the period from June twentieth to July second, inclusive, and during the period from December twenty-third to January second, inclusive. During any such period, the county's action is suspended if the grassland fire danger index falls below the very high category and ~~shall again become~~ becomes effective if the grassland fire danger index reaches the extreme category.".

Moved by: Adelstein  
Second by: Merchant  
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1241 AS AMENDED

Moved by: Adelstein  
Second by: Gant  
Action: Prevailed by roll call vote. (6-1-0-0)

Voting Yes: Adelstein, Gant, Merchant, Nesselhuf, Nelson, Olson (Russell)

Voting No: Turbak Berry

MOTION: AMEND TITLE OF HB 1241

1241jta

On page 1, line 2, of the printed bill, after "discharged" insert "and to revise certain provisions regarding county regulation of fireworks".

Moved by: Adelstein  
Second by: Merchant  
Action: Prevailed by voice vote.

HB 1249: provide for the disposition of certain property sold at auction but not claimed.

Presented by: Representative Brock Greenfield

MOTION: DO PASS HB 1249

Moved by: Turbak Berry  
Second by: Merchant  
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Adelstein, Gant, Merchant, Nesselhuf, Turbak Berry, Nelson, Olson (Russell)

MOTION: PLACE HB 1249 ON CONSENT CALENDAR

Moved by: Adelstein  
Second by: Turbak Berry  
Action: Prevailed by voice vote.

HB 1257: remove certain provisions relating to countersignatures for insurance producers.

Presented by: Jeremiah D.Murphy, Western Surety  
Proponents: Randy Moses, Division of Insurance

MOTION: DO PASS HB 1257

Moved by: Adelstein  
Second by: Merchant  
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Adelstein, Gant, Merchant, Nesselhuf, Turbak Berry, Nelson, Olson (Russell)

MOTION: PLACE HB 1257 ON CONSENT CALENDAR

Moved by: Turbak Berry  
Second by: Merchant  
Action: Prevailed by voice vote.

MOTION: ADJOURN

Moved by: Nesselhuf  
Second by: Merchant  
Action: Prevailed by voice vote.

Lois Henry  
Committee Secretary

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Russell Olson, Chair

